

Exhibit H

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1 UNITED STATES DISTRICT COURT
1 SOUTHERN DISTRICT OF NEW YORK

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3 IN RE: TERRORIST ATTACKS
3 ON SEPTEMBER 11, 2001,

03 MDL 1570 (GBD) (FM)

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5
6 New York, N.Y.
6 May 13, 2015
7 10:15 a.m.

7
8 Before:

8
9 HON. FRANK MAAS,

9
10 Magistrate Judge
10

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13 APPEARANCES

14 For Plaintiffs:

15 KREINDLER & KREINDLER
16 BY: JAMES P. KREINDLER
16 ANDREW J. MALONEY

17
17 ANDERSON KILL
18 BY: JERRY S. GOLDMAN
18 BRUCE STRONG

19
19 MOTLEY RICE
20 BY: ROBERT T. HAEFELE

20
21 COZEN O'CONNOR
21 BY: SEAN P. CARTER

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1 to.

2 THE COURT: Okay.

3 MR. KRY: And based on additional manpower that's been
4 assigned to this, as well as other factors, we now expect to
5 get through that production by around the end of the month.

6 THE COURT: Oh, terrific.

7 And I take it, based on that, that at least for the
8 moment there are no particular issues with respect to Dallah
9 Avco from the plaintiffs' side; is that correct?

10 MR. CARTER: Your Honor, there was a motion that had
11 been filed a while ago through which the plaintiffs sought
12 clarification as to the scope of the search that was being
13 undertaken by Dallah Avco.

14 Based on the objections that were lodged to the
15 individual requests and some of the conversations we had, it
16 was unclear to us which of the document requests were being
17 considered for purposes of the search. And there was a concern
18 on our part that perhaps Dallah Avco was conducting a search
19 solely for the name Omar Al-Bayoumi, which is not something
20 that we thought to be appropriate based on the remand.

21 We've already addressed that motion with your Honor,
22 but it just hasn't been ruled on. So I flag it only for that
23 reason.

24 THE COURT: And I confess, I didn't really focus on
25 the motion because it sounded like it was being worked out.

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1 Let me ask Mr. Kry.

2 MR. KRY: That was our impression, as well, your
3 Honor. If there are still any points that need clarification,
4 we are happy to meet and confer with Mr. Carter sometime.

5 THE COURT: Was the search as narrow as he fears it
6 might have been?

7 MR. KRY: I don't think so at all. The Second Circuit
8 remanded the case based on a specific jurisdictional allegation
9 which related to the claim that our clients had provided some
10 sort of cover employment was the term the Court used to a
11 Mr. Omar Al-Bayoumi.

12 And so we made clear throughout that the scope of our
13 search was all documents relating to Mr. Al-Bayoumi, and that's
14 involved review of something more than a million documents so
15 far. So it's actually been a very broad search and that
16 subsumes a large number of the requests that they originally
17 propounded on us.

18 On Docket No. 2896, page 3, we list the specific
19 requests that we think are wholly subsumed within that; that's
20 numbers 1 to 17, 24 to 30, 34, 36, 38 --

21 THE COURT: Wait. Do those numbers more slowly.

22 MR. KRY: 1 to 17, 24 to 30, 34, 36, 38, and 41 to 44.

23 And those are all requests that ask for particular
24 categories of information relating to Mr. Al-Bayoumi, which we
25 view as fairly within what the Second Circuit was asking for.

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1 For some of the other requests, they're really pretty
2 far afield. For example, one of the requests is all documents
3 relating to the Kingdom of Saudi Arabia government. That has
4 millions of documents for a government contractor. And so to
5 the extent there are documents that relate to the kingdom and
6 Mr. Al-Bayoumi, those will get picked up in the search. But
7 beyond that, we just think it is beyond the scope of
8 appropriate jurisdictional discovery.

9 So that was in our letter that we filed last
10 September. And if there are any further points of
11 clarification, we are happy to meet and confer over those with
12 Mr. Carter, but I'm not sure there's a live issue for the Court
13 to resolve at this point.

14 THE COURT: Mr. Carter.

15 MR. CARTER: Your Honor, we can take that up with them
16 separately. I think that we're at a point like they were where
17 we just disagree about the scope of the remand, and that we'll
18 likely just have to proceed either to work it out or to have
19 motion practice relating to that issue.

20 THE COURT: Given that, why shouldn't I deny the
21 motion without prejudice to a renewed application? It does
22 sound like it's narrower, if nothing else.

23 MR. CARTER: That's fine, your Honor.

24 THE COURT: Okay.

25 Then there was the issue of scheduling generally

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